

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FREDRICK WILCOX, JR.

PLAINTIFF

v.

No. 3:03CV00401 JLH

ENTERGY ARKANSAS, INC.

DEFENDANT

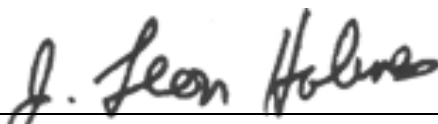
ORDER

Entergy Arkansas, Inc., filed a motion for summary judgment on August 15, 2005. On August 18, 2005, Fredrick Wilcox, Jr., filed a status report in which it was apparent that he intended to prosecute this case. He also requested a settlement conference be held in Louisiana due to his health problems. On August 30, 2005, the Court entered an Order referring this case for a settlement conference. On August 31, 2005, the Court stayed the deadlines in this case due to the fact that Fredrick Wilcox, Jr., lived just outside of New Orleans, and the devastation caused by Hurricane Katrina made it unlikely that he would be able to meet the deadlines. On December 19, 2005, the Court entered an Order lifting the stay and directing Mr. Wilcox to respond to the motion for summary judgment no later than Friday, January 20, 2006.

Mr. Wilcox has not responded to the motion for summary judgment. Because of Mr. Wilcox's health and the uncertainty of his circumstances following Hurricane Katrina, the Court will not grant the motion for summary judgment but will dismiss the case without prejudice for failure to prosecute.

Therefore, this case is hereby dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED this 23rd day of January, 2006.



J. LEON HOLMES

UNITED STATES DISTRICT JUDGE